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American President Lines, Ltd., and
American President Lines, Ltd. as Successor to American Mail Line

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN STEAMSHIP OWNERS MUTUAL
PROTECTION AND INDEMNITY ASSOCIATION,
INC.,

04 Civ. 04309 (LAK)

Plaintiff,

-against-

ALCOA STEAMSHIP CO., INC., et al.,

Defendants.

**MEMORANDUM OF LAW IN OPPOSITION
TO THE MARITIME CLAIMANTS' MOTION TO INTERVENE**

Defendants American President Lines, Ltd. ("American President Lines"), sued herein as American President Lines, Inc., and American President Lines, Ltd. as Successor to American Mail Line ("AML") (collectively, "APL"), oppose the motion for an order under Fed. R. Civ. P. 24(a) or (b) either for a mandatory or permissive intervention brought by various former employees of Prudential Lines, Inc. and Grace Lines, Inc. (the "Maritime Claimants").

In the interests of efficiency and judicial economy, Defendant APL respectfully incorporates by reference the Memorandum of Law in Opposition to the Maritime Claimants' Motion to Intervene set forth by co-defendants Keystone

Shipping Company, BP America, Inc. (“BP”), Marine Transport Lines, Inc. (“MTL”), and The Cleveland-Cliffs Steamship Company, as defined in their memorandum. APL reasserts these co-defendants’ arguments that the Maritime Claimants are not entitled to intervene as of right and should not be permitted to intervene.

In the alternative, if the Court grants the Maritime Claimants permission to intervene pursuant to Fed. R. Civ. P. 24(b), APL respectfully requests that the Court limit the Maritime Claimants’ intervention solely to the issue of the Plaintiff’s decision to discontinue coverage of Occupational Illness claims in respect of closed policy years prior to 1989 and Plaintiff’s request that the court permit stacking of deductibles.

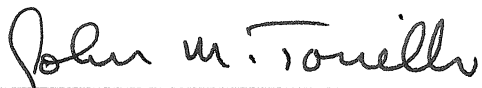
A Court may limit the scope of permissive intervention. “When intervention is permissive, the Court may limit the intervention to certain issues or place other conditions upon it.” Reynolds v. LaSalle County, 607 F. Supp. 482, 483 (N.D. Ill. 1985) (quoting Armstrong v. O’Connell, 75 F.R.D. 452, 454 (E.D. Wisc. 1977)). In Armstrong, the Milwaukee Teachers’ Education Association (“MTEA”) filed a motion requesting leave to intervene in a school desegregation case. Id. at 453. The Court limited the MTEA’s intervention to prospective participation in proceedings relating to a remedial decree and then only insofar as such proceedings involved issues affecting the wages, hours, and working conditions of the MTEA’s membership. Id. at 454. In exercising its discretion under Rule 24(b)(2), the Court limited the MTEA’s participation solely to the issues that would present questions in common with those present in the main action. Id. at 453.

The Maritime Claimants have no direct rights under the American Club's policies. As the Maritime Claimants are not and were not members of the Club, they do not have claims or defenses that will present common questions of fact or law concerning the closing of insurance years and the levying of "final" assessments, or whether the American Club can further assess Pre-1989 policyholders for insurance years that have been closed. Nor is it likely that the Maritime Claimants will advance the adjudication of the rights of the original parties with respect to these issues.

Accordingly, if granted permission to intervene, the Maritime Claimants' intervention should be limited solely to the issues of continuing coverage of claims in respect of closed policy years prior to 1989 and the propriety of stacking deductibles.

Dated: October 12, 2004

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to Title 28 U.S.C. §1746, that on October 12, 2004, I served a true and correct copy of the attached Memorandum of Law in Opposition to the Maritime Claimants' Motion to Intervene, by mailing it in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service, to be delivered by First Class Mail to:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2004.



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